

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

KEVIN PATRICK LYONS,

§

Plaintiff,

§

v.

§

LINDA GETER, WARDEN;

§

Defendant.

§

ORDER

Petitioner, Kevin Patrick Lyons, a federal prisoner confined at FCI Texarkana, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The Court referred this matter to the Honorable Caroline Craven, United States Magistrate Judge, at Texarkana, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends the petition be denied for failure to exhaust administrative remedies and as lacking in merit. Docket No. 5.

The Court has considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. Petitioner acknowledged receipt of the Report and Recommendation on April 2, 2019. Docket No. 6. No parties filed objections to the Report and Recommendation. Accordingly, Petitioner is not entitled to *de novo* review by the District Judge of those findings, conclusions and recommendations, and except upon grounds of plain error, he is barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. 28 U.S.C. § 636(b)(1)(C); *Douglass v. United Servs. Auto. Assoc.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

Nonetheless, the Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge and agrees with the Report of the Magistrate Judge. *See United States v. Raddatz*, 447 U.S. 667, 683 (1980) (“[T]he statute permits the district court to give to the magistrate’s proposed findings of fact and recommendations ‘such weight as [their] merit commands and the sound discretion of the judge warrants’”) (quoting *Mathews v. Weber*, 23 U.S. 261, 275 (1976)).

The Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is

ORDERED that this petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241 is **DISMISSED WITH PREJUDICE**.

So ORDERED and SIGNED this 4th day of October, 2019.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE